

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JAMES W. ORR**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:14-cv-403-HSO-JCG**

**SOCIAL SECURITY DISABILITY**

**DEFENDANT**

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

This matter is before the Court on the Report and Recommendation [7] of United States Magistrate Judge John C. Gargiulo, entered in this cause on March 3, 2015. The Magistrate Judge recommended that this civil action be dismissed without prejudice because federal jurisdiction has not been established and because Plaintiff has failed to prosecute this case. Report and Recommendation [7] at 3. Plaintiff received a copy of the Report and Recommendation [7] on March 5, 2015. Acknowledgment [9] at 1. To date, Plaintiff has not filed any Objections to the Report and Recommendation [7], and the time to do so has now passed.

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court concludes that the Magistrate Judge's findings are not clearly erroneous, nor are they an abuse of discretion or contrary to law. For the foregoing reasons, the Court will adopt the Magistrate Judge's Report and Recommendation [7] as the opinion of this Court. This case will be dismissed without prejudice for failure to establish federal subject matter jurisdiction and for failure to prosecute.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, for the reasons stated above, the Report and Recommendation [7] of United States Magistrate Judge John C. Gargiulo, entered in this cause on March 3, 2015, is adopted in its entirety as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, for the reasons stated above, this civil action is **DISMISSED WITHOUT PREJUDICE**. A separate final judgment will be entered pursuant to Federal Rule of Civil Procedure 58.

**SO ORDERED**, this the 23<sup>rd</sup> day of April, 2015.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE